

Filed for intro on 02/19/2003  
SENATE BILL 534 By  
Ford J

HOUSE BILL 1245  
By Chumney

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 11 and Title 67, Chapter 4, Part 8, relative to bail and bail bondsmen.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 40-11-130, is amended by adding the following as a new subsection:

(d) In the event that the defendant forfeits on the bond or recognizance but is returned to the court prior to the judgment of forfeiture having become final or having been paid into the court, the court shall not reinstate or continue the bond or recognizance without the written authorization of the bondsman or sureties. However, the court may set a new bond or recognizance on the defendant and the bondsman or sureties are relieved of further liability on the bond, except for accrued costs.

SECTION 2. Tennessee Code Annotated, Section 40-11-201, is amended by adding the following as a new subsection (d):

(d) In the event that the detaining authority, or such authority as authorized by § 40-9-124, refuses to approve or issue a request for the extradition of the principal, the

bondsman or sureties are relieved of all liability on the bond or recognizance, except for accrued costs.

SECTION 3. Tennessee Code Annotated, Section 40-11-128, is amended by designating the existing language as subsection (a) and by adding the following new subsection (b):

(b) Furthermore, no person disqualified under subsection (a) shall be employed by, serve as an agent of, own or operate, or hold stock in a company that owns or operates a bail bond company.

SECTION 4. Tennessee Code Annotated, Section 40-11-313, is amended by adding the following as a new subsection to be designated as (b) and by relettering accordingly:

(b) Furthermore, no person disqualified under subsection (a) shall be employed by, serve as an agent of, own or operate, or hold stock in a company that owns or operates a bail bond company.

SECTION 5. Tennessee Code Annotated, Section 40-11-305, is amended by deleting the second sentence in its entirety and substituting instead the following:

Each of such investigators or appraisers, so appointed, shall be entitled to receive reasonable compensation, not to exceed one hundred dollars (\$100) a day. Such compensation shall be paid from the bail bond tax collected pursuant to § 67-4-806.

SECTION 6. Tennessee Code Annotated, Title 40, Chapter 11, Part 2, is amended by adding the following as a new section:

Section 40-11-216. Notwithstanding any other provision of the law to the contrary, upon issuance of a conditional forfeiture on the bail, by any court with authority to forfeit same, the sureties on such bond shall have the immediate right, regardless of whether or not the judgment is paid, to institute legal proceedings to collect such funds from the indemnitors on the bond, including the institution of foreclosure proceedings, so

as to provide the necessary funds to satisfy the judgment should the same be made final.

SECTION 7. Tennessee Code Annotated, Section 67-4-803, is amended by designating the existing language as subsection (a) and adding the following as a new subsection (b):

(b) Such tax shall also apply to all releases of whatever sort, including, but not limited to, releases on the defendant's own recognizance pursuant to § 40-11-115, property bonds pursuant to § 40-11-122, appearance bonds pursuant to § 40-35-305, cash bonds posted with the clerk of the court pursuant to § 40-11-118 or any other court ordered release. The tax imposed by this section shall be added to and collected with all other cost attached to the case.

SECTION 8. Tennessee Code Annotated, Section 67-4-806, is amended by deleting the semicolon (;) at the end of item (1) and adding the following:

and such monies as are required to satisfy § 40-11-305.

SECTION 9. This act shall take effect upon becoming a law, the public welfare requiring it.